

APR 21 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

REGINA GALLOWAY,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 04-76159

Agency No. A75-117-903

MEMORANDUM^{*}On Petition for Review of an Order of the
Board of Immigration AppealsSubmitted April 17, 2008^{**}
San Francisco, California

Before: KOZINSKI, Chief Judge, WALLACE and N.R. SMITH, Circuit Judges.

Substantial evidence supports the IJ's and the Board's finding that petitioner failed to prove past persecution or a well-founded fear of future persecution on account of any protected ground. *See Singh v. I.N.S.*, 134 F.3d 962, 966-67 (9th

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Cir. 1998). Substantial evidence does show that the New People's Army threatened petitioner and demanded money from her because she was a businessperson, not because of a political opinion. The Board and the IJ were not compelled to find otherwise. *I.N.S. v. Elias-Zacarias*, 502 U.S. 478, 483-84 (1992).

Therefore, petitioner is not eligible for asylum. Because she failed to satisfy the burden for asylum, she cannot satisfy the higher burden for withholding of deportation. *Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

We lack jurisdiction to review a discretionary denial of voluntary departure. 8 U.S.C. § 1252(a)(2)(B)(i); *Tovar-Landin v. Ashcroft*, 361 F.3d 1164, 1166 (9th Cir. 2004).

PETITION DENIED IN PART and DISMISSED IN PART.